

South Carolina Department of Natural Resources Marine Resources Division
Summary of Laws for Commercial Trawling with Legal References

2011-2012

This document should be kept on board all licensed trawlers as a reference to regulation, not to supersede knowledge of the pertinent laws.

License Requirements: [Section 50-5-300, Section 50-5-310, Section 50-5-325]

	<u>Resident</u>	<u>Non-Resident</u>
Saltwater Commercial License	\$25.00	\$300.00
Trawl Gear License	\$125.00	\$300.00
Commercial Vessel Decal	No Charge	No Charge

Definitions:

- "Take" means to harass intentionally, hunt, capture, gather, harvest, remove, catch, wound, or kill or attempt to harass, hunt, capture, gather, harvest, remove, catch, wound, or kill. **[Section 50-5-15 (58)]**
- "Territorial sea" means that portion of the Atlantic Ocean under the jurisdiction of the State of South Carolina. **[Section 50-5-15 (59)]**
- "Trap" is an enclosed device used for taking fish, constructed to facilitate entry but prohibit or restrict exit of fish and is also called "pot". **[Section 50-5-15 (60)]**

Responsibility for determining location of commercial fishing vessel.

The operator of any vessel engaged in commercial fishing is responsible for accurately determining the location of his vessel in order that he not violate any closed or restricted areas. **[Section 50-5-115]**

Boarding of vessel by law enforcement officers; penalty for failure to allow boarding and to cooperate.

The operator and crew of any watercraft operating in state waters are required to heave to when signaled or hailed and allow boarding, and cooperate with Department personnel, law enforcement officers, or U.S. Coast Guard personnel. **[Section 50-5-120]**

Use of vessel within 300 feet of public fishing pier; penalty.

It is unlawful to use a vessel within three hundred feet of any public fishing pier that extends into the Atlantic Ocean. **[Section 50-5-125]**

Commercial equipment licenses and fees; specification of vessel on which used; tagging of equipment; penalties.

No person under the age of 16 years may operate a trawler as master. **[Section 50-5-325 (C)]**

Other than vessels solely transiting the State in interstate commerce, any vessel on or from which a trawl or trynet is used or transported must display a current identification decal provided by the Department. **[Section 50-5-325 (F)]**

Display of licenses, permits, and vessel's identification decal; transfer of licenses; penalty.

While exercising the privilege of a license or permit the licensee, operator, or permittee must display or keep on his person the license or permit, and the license or permit must be produced on demand of Department personnel or other law enforcement personnel. **[Section 50-5-350 (A)]**

The operator and the owner of a vessel used for commercial purposes must have aboard the required commercial equipment licenses and permits and display the vessel's identification decal provided by the Department. **[Section 50-5-350 (C)]**

Expiration of licenses and permits.

Licenses issued for trawling vessels expire on June 30th following their effective date. Permits expire under the terms of the individual permit. **[Section 50-5-385]**

Trawling prohibited.

It is unlawful to trawl in the waters of this State except as allowed in Chapter 5 of Title 50, SC Code of Laws. **[Section 50-5-700]**

Trawling Zone established.

South Carolina law establishes and defines in detail the General Trawling Zone. **[Section 50-5-705]**

Restrictions on trawling for shrimp in General Trawling Zone; prohibition on trawling outside General Trawling Zone; penalties; seizure and disposition of contraband.

It is lawful to trawl for shrimp or prawn in the General Trawling Zone only during those times and seasons set by the Department, and it is unlawful to trawl outside the General Trawling Zone, unless a special permit has been issued. **[Section 50-5-710]**

Trawling restriction areas within General Trawling Zone.

Trawling is restricted during certain times in areas specified in law. **[Section 50-5-715]**

Disposal of trawl bycatch; penalty.

It is unlawful to dispose of trawl bycatch or waste fisheries products at any time into state waters within one-half nautical mile of any Atlantic Ocean beach for which trawling restrictions are provided. **[Section 50-5-720]**

Trawling waters description references.

The descriptions of trawling waters in SC law refer to the National Oceanic Service Nautical Charts prepared by the National Oceanic and Atmospheric Administration (NOAA) and future revisions of these charts by the federal government. References to points of latitude and longitude in trawling laws are North American Datum 1983-1986 and take precedent over any reference to landmarks, buoys, jetties, or other physical features. **[Section 50-5-725]**

Trawling near public fishing pier; penalty.

It is unlawful to trawl within one-half nautical mile of any public fishing pier in the salt waters. **[Section 50-5-730]**

Night trawling; finfish exception.

Except under permit for trawling for fish at night, it is unlawful to trawl at night. Night as used in trawling allowances means:

- (1) from April 1 through August 31 inclusive: 9:00 p.m. to 5:00 a.m. the following day, local time; and
- (2) from September 1 through October 31 inclusive: 8:00 p.m. to 6:00 a.m. the following day, local time; and
- (3) from November 1 through March 31 inclusive: 7:00 p.m. to 6:00 a.m. the following day, local time. **[Section 50-5-735]**

Blue crab trawling season; penalty for trawling out of season; seizure and disposal of contraband.

The Department may set a blue crab trawling season between December 1 of one year through March 31 of the following year. It is unlawful to trawl for crabs during the closed season. **[Section 50-5-740]**

Blue crab taken by legal shrimp trawlers.

The operator of a shrimp trawler may take, retain, and market lawful size blue crabs taken in the normal lawful process of trawling for shrimp during the seasons set for taking shrimp. **[Section 50-5-745]**

Crab trawling equipment restrictions; penalty.

It is unlawful to trawl for crabs with equipment with a mesh size of less than four inches stretched, and chafing gear of any sort must not be more than one-half the circumference of the tailbag. **[Section 50-5-750]**

Permits to trawl or dredge for finfish, blue crabs, whelks, and horseshoe crabs; limitations and conditions as to equipment; penalty.

The Department may grant permits to licensed commercial saltwater fisherman to trawl for finfish, blue crabs, whelks, or other marine resources in the General Trawling Zone and for horseshoe crabs in salt waters. A captain engaged in the activity must possess a valid permit for the purpose. A vessel lawfully engaged in taking shrimp with trawl nets having stretched mesh of less than two and one-half inches does not require a permit to retain lawful finfish, blue crabs, whelks, or other marine resource. **[Section 50-5-755 (A)] All permits must be obtained through the Permitting Office at the Office of Fisheries Management at 217 Ft. Johnson Road, Charleston, SC 29412, (843) 953-9311.**

Illegal trawling.

The operator of any vessel operating in an area or during a time when trawling is restricted or prohibited and which vessel does not have its trawl doors completely out of the water is illegally trawling. **[Section 50-5-760]**

Use of turtle excluder devices; penalty.

A turtle excluder device (TED) must be used in trawl nets in the salt waters of this State under the same conditions required by federal regulations. **[Section 50-5-765]**

Shrimp trawl requirements; penalties.

It is unlawful to have on board a vessel or to trawl with any trawl or trawls having a total foot rope length greater than two hundred twenty feet, not including the foot rope length of:

- (1) a single trawl not greater than sixteen feet when used as a try net, or
- (2) any trawl bundled and stored below deck or secured in a locked bin or container on deck.

When a vessel is underway, this limitation applies to trawls attached to trawl doors. When a vessel is moored at a dock or anchored, this limitation applies to trawls attached to trawl doors or hung in the vessels rigging. **[Section 50-5-770]**

Persons who may not obtain or hold shrimp baiting license; penalty.

Any person who, or officer of a corporation which, owns a vessel specified on a trawl license or any person named as a master of a vessel specified on a trawl license application may not obtain or attempt to obtain a shrimp baiting license. **[Section 50-5-1102]**

Catch limits; bait dealer taking and possession requirements; penalties.

No trawler may have a cast net or other recreational shrimping gear aboard from December 16 through April 30. **[Section 50-5-1105 (C)]**

Information on TED requirements for trawl nets used in South Carolina's General Trawling Zone follows. Contact the National Marine Fisheries Service (NMFS) for design and construction details.

Basic TED requirements were changed beginning in the 2003 season to accommodate all sizes of turtles, including Leatherbacks.

There is one legal design of **soft TED**, the "Parker" TED. The escape hole is triangular with its leading edge 96 inches (stretched mesh) across, centered in the top of the net body just before the bag. This hole is covered with webbing with some allowable modifications.

A **hard TED** must have a grid size of at least 32x32 inches (outside grid dimension) with 4inch maximum space between the bars. The bottommost four inches of the deflective bars in both a bent-bar or straight-bar grid must not exceed 45°from horizontal. Bottom opening designs require a minimum of 10 ponds of floatation attached to the top half of the grid. The escape hole must measure at least 71 inches in horizontal (stretched mesh) width. The cover over this hole is sewn to the TED section webbing up to six inches past the trailing edge of the grid. Several types of grids, floats, and modifications to covers are allowed.

No **TED** is required for hand-retrieved nets (no winch, block, or pulley may be on board), but tow time is limited to 55 minutes from April 1 through October and 75 minutes from November 1 through March.

For Turtle Excluder Device information from NMFS Harvesting Technology Branch call (228) 762-4591.

A shrimp trawl made in part or in whole of any webbing less than two and one-half inches stretched mesh and exceeding a head rope length of sixteen feet used in the waters of this State must contain

one or more Department approved, properly installed bycatch reduction devices (BRD). **[Section 50-5-770 (A)]**

Information on BRD requirements for trawl nets used in South Carolina's General Trawling Zone follows.

Since 1997, the basic requirements for **BRDs** remain the same in federal waters; however, in 1998 South Carolina approved standard was changed to reduce escape opening size to approximately half that required in federal waters.

BRD's must have at least an 18 square inch escape opening with a minimum of 4.25 inches inside opening dimension. This means a square opening must be 4.25 inches to a side and an oval 4.25 inches in the middle by 9 inches long. BRDs must be made of 3/8 inch steel or ½ inch aluminum rod and be mounted so that the opening is no more than 70% of the bag length forward from the tie-off. They may be mounted no more than 15 meshes from top center of the bag.

The **Expanded Mesh** BRD and **Expanded Mesh with Extended Funnel** BRD are also legal. Contact NMFS for design and construction details.

For more information about South Carolina BRD requirements contact SCDNR Office of Fisheries Management at 953-9385. For more information about federally approved BRDs contact NMFS Harvesting Technology Branch at (228) 762-4591.

Maps Included With This Law Summary

These maps are illustrative only.

They should not be used to plot positions (points) for navigation purposes.

The listed positions should be plotted on National Ocean Service charts.

The General Trawling Zone (5 pages) These maps indicate the Territorial Sea Line, the inshore trawl boundary, and the trawling restricted areas within the General Trawling Zone. The restricted areas, as defined in law, are closed to trawling during part or all of the open season. Waters shoreward of the inshore trawl boundary are never open to trawling.

Provisional Trawling Areas (2 pages) These areas are delineated for management purposes as a means to allow trawling in seawardmost areas of the Territorial Sea without opening or closing all of the General Trawling Zone. These seven areas could be opened when stocks of overwintering white shrimp are deemed large enough that limited harvest within state waters would not jeopardize the potential for the next year's white shrimp crops. Since each area is individually defined, the DNR may open any single area or combinations of these areas based on stock assessment.

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